



State of Connecticut
Department of Aging and Disability Services
Long-Term Care Ombudsman Program

**Aging Committee
Public Hearing
Thursday, March 3, 2022
Testimony of Mairead Painter, State Long-Term Care Ombudsman**

Good afternoon, Senator Miller, Representative Garibay, Ranking members Senator Fazio, Representative Wilson and distinguished members of the Aging Committee. My name is Mairead Painter and I am the State Long-Term Care Ombudsman. Thank you for the opportunity to offer testimony today. The Long-Term Care Ombudsman Program (LTCOP) is mandated by the Older Americans Act and Connecticut General Statutes Sections 17b-400 through 17b-406 to provide services to protect the health, safety, welfare and rights of the residents of long-term care facilities. As the State Ombudsman, it is my responsibility to facilitate public comment and represent the interests of residents in order to recommend changes to the laws, regulations, policies and actions which affect the resident's quality of life and care. On behalf of the 30,000 residents in Connecticut's skilled nursing facilities, residential care homes and managed residential communities, I would like to testify regarding several bills that are before you today.

**S.B. No. 172 AN ACT CONCERNING CRIMINAL PENALTIES FOR
ABUSE, ABANDONMENT AND FINANCIAL EXPLOITATION OF ELDERLY
PERSONS, PERSONS WITH DISABILITIES OR CONSERVED PERSONS.**

The Office of the Long-Term Care Ombudsman is in support of a heightened level of protection and criminal penalties related to the abuse, abandonment or exploiting of older adults or individual with disabilities. Highlighting these crimes and calling for accountability if such a crime takes place, demonstrates the committee's commitment to all people having the ability to live safely in our communities at large and I hope deters such crimes. however, if it doesn't deter them then I believe having additional penalties in place is appropriate.

**S.B. No. 173 AN ACT CONCERNING A STUDY OF THE COST AND
FEASIBILITY OF PERMITTING THE COMMUNITY SPOUSE OF AN
INSTITUTIONALIZED MEDICAID RECIPIENT TO RETAIN THE MAXIMUM
AMOUNT OF ALLOWABLE ASSETS.**

The LTCOP is in support of a study that permits the community spouse of an institutionalized Medicaid recipient to retain the maximum amount of assets. Making the decision to move to a long-term care facility can be extremely challenging for an individual and their spouse, who can face both emotional and financial impacts. Allowing the spouse living in the community to

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retain the maximum allowable assets may ease some of this burden, allowing the resident or spouse to make the most appropriate care decision and access as much stability as possible. This stability can result in better self-care and the ability for the community spouse to live in the community whenever possible.

H.B. No. 5193 (RAISED) AN ACT CONCERNING RENT INCREASES, FEE INCREASES AND CHANGES IN RESIDENCY STATUS AT CONTINUING CARE FACILITIES AND MANAGED RESIDENTIAL COMMUNITIES.

The LTCOP supports these additional protections for residents of managed residential communities. Over the past few years my office has seen an increase in the number of complaints related to significant rent increases, new charges or plan increases with little or no explanation and at the discretion of the managed residential community.

These increases can be just days or weeks after a contract has been signed and the resident or family member has been assessed for services. We have also seen new management companies come in and assess substantial rent increases for individuals who moved in under the promise of being grandfathered in if he were part of the opening special. This bait and switch approach has left residents and family members at a loss and financially burdened in a way they could not have predicted. At that point they either must move out and find a new home or commit to the higher unexpected charges. I believe this practice is an inappropriate exploitation of older adults who tried to be well informed and proactive in their planning. The additional protections proposed will assist in protecting their right to make fully informed decisions about their care and services. Thus, allowing them to remain independent for as long as possible. This is good for both the person and the overall long-term care system.

H.B. No. 5194 (RAISED) AN ACT CONCERNING REGISTRATION OF TEMPORARY NURSING SERVICES AGENCIES.

The LTCOP supports the registration requirement and additional accountability for companies and the staff that provide services to our long-term care communities. We have had a steady increase in calls related to temporary nursing service agency staff, otherwise known as pool staff, working in nursing homes and some of the challenges related to this shift in care.

Residents and family members report inconsistency in both care and services due to the new staff not knowing them or their individualized plans of care. Also, when there is a question of abuse or neglect it is difficult to have any accountability related to the pool staff member or the ability to prevent them from having access to another resident, because they just leave and go to another nursing home to work another shift.

When staff leave to work for the pool it often leaves the building shorthanded or more reliant on temporary nursing agency staff. Some agency staff work wonderfully with the residents and

provide excellent care however even the best agency staff cannot know the residents the way a traditional staff member does. It naturally takes them longer to provide care and services causing residents to have to wait longer for their care.

I think everyone is aware of how tight staffing is currently and with staff numbers already being low, having to take extra time to understand what each resident needs results in not being able to provide each resident with the opportunity to have all of their needs met in a timely fashion.

There is also a higher risk for error and mistakes when someone is not familiar with the individuals they are caring for. The registry and requirements related to it will provide better protections and information to help decisionmakers understand the status of these agencies and the impact that they have on our long-term care residents.

**H.B. No. 5195 (RAISED) AN ACT REQUIRING NURSING HOME FACILITIES
TO ELECTRONICALLY REPORT INVOLUNTARY TRANSFERS OR
DISCHARGES TO THE STATE OMBUDSMAN.**

The LTCOP is in support of this bill. Currently nursing homes are required to report the notice of all involuntary transfers and discharges to the ombudsman's office at the same time they are given to the resident. This is a federal requirement but there was no standardized system developed for this to take place. In 2019 our program took the opportunity to develop a portal within the state system for these notices to be submitted. We worked with the industry and stakeholders to ensure that the portal also met the needs of the individuals who would be required to use it. This database will allow us to collect information related to the types of discharges, locations offered at time of transfer or discharge, identify gaps in-services and have data on the outcomes of these types of notices. With this information and data, we will better be able to report to both the legislature, state agencies and other policymakers about care and service needs for the individuals served in these settings. Individuals receiving these notices often face challenges, however at this time we have no way to quantify the information that is provided to us. There is no cost to this moving forward and I believe it will benefit the resident, our program as well as the industry.

**H.B. No. 5196 (RAISED) AN ACT CONCERNING ELECTRONIC REPORTING
OF INVOLUNTARY TRANSFERS OR DISCHARGES BY RESIDENTIAL CARE
HOMES.**

The LTCOP supports this bill. Currently Residential Care homes are not required to report all the resident notice of involuntary transfers and discharges to the ombudsman's office. They are required to provide the individual with information regarding how to contact our office if they would like to better understand their rights related to an appeal. My office has found this challenging because often we do not hear from the resident right away and this delay can negatively impact their ability to file an appeal or negotiate a positive outcome. The regional long term care ombudsman team members who are contacted by a resident that has received

one of these notices will work to understand what the issue or concern is and see if there is an opportunity to negotiate a resolution other than involuntarily being transferred or discharged. We believe having the opportunity to receive this notice directly will increase our response time and support the individual, as well as work towards a satisfactory outcome for both the resident and the residential care home. The LTCOP has already developed a portal for nursing homes and would work to expand this to include a similar option for residential care homes. Using this database will allow us to collect information related to the types of discharges, locations offered at time of transfer or discharge, identify gaps in-services and have data on the outcomes of these types of notices. With this information and data, we will be better able to report to the legislature, state agencies and other policymakers about care and service needs for the individuals served in these settings. Individuals receiving these notices often face challenges, however at this time we have no way to quantify the information that is provided to us. There is no cost to this moving forward and I believe it will benefit the resident, our program as well as the industry.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Mairead Painter', with a stylized, cursive script.

Mairead Painter
State Long Term-Care Ombudsman
Department of Aging and Disability Services